

U.S. Patent Application Serial No. 10/581,533
Reply to Office Action of September 9, 2010

RECEIVED
CENTRAL FAX CENTER
OCT 29 2010

REMARKS

Claims 1-13, 15, 19-27 and 30 are canceled, claims 14 and 16-18 amended, and new claims 31-69 added. Applicant respectfully submits that the new claims are fully supported by the original application and drawings and that no new matter has been added. Claims 14, 16-18 and 31-69 are pending in this application. Claims 28-29 are withdrawn from consideration. In view of the foregoing amendments, prosecution thusfar, and the following remarks, Applicants respectfully request advancement of this application to allowance.

Applicant wishes to again thank the Examiner for the many courtesies extended to Applicant's representative both in many telephonic conferences leading up to a personal Interview with the Examiner on October 7, 2010, and helpful discussions thereafter.

At the Interview, the Examiner and Applicant came to an "agreement with respect to the claims." Interview Summary. Pursuant to the agreement and subsequent discussions to clarify the claims, Applicant herein submits the above claims for consideration and allowance over the art of record.

As noted in Applicant's April 14, 2010 Response, this application has suffered Office-generated delays due to the retirement of the previous Examiner and consequent prosecution limbo. Applicant again thanks the present Examiner, who recently picked up the case and has navigated the instant case toward issuance. Applicant nonetheless requests that the extended delays in this case be considered and additional days be added to the term in the interest of justice to the Applicant.

Applicant notes that some of the claims have been rewritten for clarity. In the recent Restriction, several claims were indicated as of different groups and species, and Applicant elected Group 1 and species claims. Applicant respectfully submits that many of the pending claims are subject to rejoinder.

U.S. Patent Application Serial No. 10/581,533

Reply to Office Action of September 9, 2010

Rejections Under 35 U.S.C. § 102

Canceled claims 1-2, 4, 5 and 9 and pending claim 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by several references, including Japanese Pat. No. 2001-333683 to Moribe, Japanese Pat. No. 2003-070408 to Murakami, U.S. Patent No. 3,974,762 to Kita et al. (hereinafter "Kita") and U.S. Patent No. 3,078,631 to Seserman.

Canceled claims 1 and 9 and pending claim 18 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,588,278 to Wynn et al. (hereinafter "Wynn").

In view of recent discussions, the Interview and claim amendments and clarifications, Applicants respectfully traverse each of these novelty rejections because each fails to disclose each element of new claims 31-68 and pending claims 14 and 16-18.

Claim 31, for example, is directed to an extermination device. The extermination device comprises a two-part housing and a trigger device disposed substantially therebetween, the trigger interposed between a bait and the housing edge, the housing being configured to hold an expanded resilient ring, wherein the extermination device is configured to release the resilient ring free of the extermination device such that it contracts around a pest when the trigger device is actuated by the pest, thereby exterminating the pest.

The instant invention is readily distinguishable over the references of record, as discussed and resolved during the Interview and in prior prosecution.

In view of the above arguments and instant presentation of independent Claims 31, 58, 63 and 69, as well as dependent claims 14, 16-18, 32-57, 59-62 and 64-68, Applicants respectfully submit that the claims, as presented, overcome all § 102(b) rejections. Reconsideration and withdrawal of the § 102(b) rejections are, accordingly, respectfully requested.

Rejections Under 35 U.S.C. § 103

Canceled claims 10, 12 and 13 stand rejected under 35 U.S.C. § 103(a) as being obvious over the various references indicated above, i.e., Moribe, Murakami, Kita, Seserman and Wynn. Applicants respectfully traverse these rejections.

Applicant respectfully submits that the pending claims are distinguishable from these references for the same reasons set forth hereinabove, and as per the agreement at the

U.S. Patent Application Serial No. 10/581,533
Reply to Office Action of September 9, 2010

RECEIVED
CENTRAL FAX CENTER
OCT 29 2010

Interview. Reconsideration and withdrawal of the § 103(a) rejections of the claims over the references are respectfully requested.

In view of the above arguments and presentation of new claims for the instant invention, Applicant respectfully submits that all of the pending claims are allowable over the art of record, and that the instant response be considered timely and entered. Reconsideration and withdrawal of all of the §§ 102(b) and 103(a) rejections are, accordingly, respectfully requested.

CONCLUSION

In view of the foregoing, Applicants respectfully request a Notice of Allowance. There may be additional reasons that the pending subject matter is patentably distinct from the cited references in addition to those discussed herein. Applicants reserve the right to raise any such arguments in the future. If the Examiner believes that a telephone conference would advance the prosecution of this application, the Examiner is invited to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

Raymond Van Dyke
Washington Square
1050 Connecticut Avenue, NW
P.O. Box 65302
Washington, DC 20035

Dated: October 29, 2010

By: 
Raymond Van Dyke
Reg. No. 34,746

97110

Patent & Trademark Office